

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity since all lots were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients; the Jamaica Plain and Fitchburg lots had not been concentrated by heat to such point that the soluble solids content of the finished article was not less than 68 percent; and the Jamaica Plain lot contained added water and phosphoric acid or acid phosphate; and, Section 403 (a), (Jamaica Plain lot) the name "Red Raspberry Jam" was false and misleading.

DISPOSITION: November 17, 1944. The Mactavish Preserves Co., claimant for the Jamaica Plain, Boston, and Somerville lots, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On February 19, 1945, no claimant having appeared for the Fitchburg lot, judgment of condemnation was entered and the product was ordered destroyed.

8044. Adulteration and misbranding of blackberry jam. U. S. v. 50 Cases and 25 Cases of Blackberry Jam. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14046, 14445. Sample Nos. 71382-F, 71384-F.)

LIBELS FILED: On or about October 30, 1944, and January 13, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about September 1 and 8, 1944, by Inez McDonald, from Grass Valley, Calif.

PRODUCT: 75 cases, each containing 24 1-pound, 4-ounce jars, of blackberry jam at Portland, Oreg. Examination showed that the article was moldy.

LABEL, IN PART: (Jars) "Home Made Pure Fruit Product Wild Blackberry Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted in whole or in part for blackberry jam, a food for which a definition and standard of identity has been prescribed by the regulations.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity since the blackberry jam was not concentrated by heat to such a point that the soluble solids content of the finished jam was not less than 68 percent.

DISPOSITION: December 6, 1944, and February 17, 1945. The Northwest Grocery Co., Portland, Oreg., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8045. Adulteration of raisins. U. S. v. 79 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 13852. Sample No. 63919-F.)

LIBEL FILED: October 4, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 29, 1944, by the California Packing Corporation, from Fresno, Calif.

PRODUCT: 79 30-pound cartons of raisins at Jacksonville, Fla.

LABEL, IN PART: (Cartons) "Luxury Brand Extra Fancy Golden Bleached Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins.

DISPOSITION: December 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLES

8046. Adulteration of canned beans with pork and tomato sauce. U. S. v. 199 Cases of Canned Beans With Pork. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14192. Sample No. 75942-F.)

LIBEL FILED: November 6, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 23, 1944, by the Phillips Packing Co., Inc., from Cambridge, Md.

PRODUCT: 199 cases, each containing 24 1-pound, 5-ounce cans, of beans with pork at Washington, Pa.

LABEL, IN PART: "Phillips Delicious Beans with Pork and Delicious Tomato Sauce."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 21, 1945. The Phillips Packing Co., Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion, under the supervision of the Food and Drug Administration.

8047. Adulteration and misbranding of canned brussels sprouts. U. S. v. 97 Cases of Brussels Sprouts. Default decree of condemnation and destruction. (F. D. C. No. 14198. Sample No. 75130-F.)

LIBEL FILED: November 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 27, 1944, by the Howard Terminal Warehouse Co., from Oakland, Calif.

PRODUCT: 97 cases, each containing 24 jars, of brussels sprouts at Seattle, Wash. Examination showed that the product was short of the declared weight.

LABEL, IN PART: "Elpaco Brussel Sprouts contents 16 Oz. Avoir."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and thrips.

Misbranding, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8048. Misbranding of canned mushrooms. U. S. v. Roland E. West (West Mushroom Co.). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 12566. Sample No. 74402-F.)

INFORMATION FILED: January 26, 1945, District of Oregon, against Roland E. West, trading as the West Mushroom Co., Salem, Oreg.

ALLEGED SHIPMENT: On or about May 12, 1944, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Shady Oak Fancy Buttons Mushrooms * * * Contents 8 oz. Avoir. Drained."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents inasmuch as the labels affixed to the cans bore the statement "Contents 8 oz. Avoir. Drained," and the drained weight of the contents of the cans was less than 8 ounces avoirdupois.

DISPOSITION: February 2, 1945. The defendant having entered a plea of nolo contendere, a fine of \$25 was imposed.

8049. Misbranding of canned peas. U. S. v. 198 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13998. Sample No. 67979-F.)

LIBEL FILED: On or about October 16, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 29, 1944, by the Eavey Co., Xenia, Ohio.

PRODUCT: 198 cases, each containing 24 1-pound, 4-ounce cans, of peas at Richmond, Ind.

LABEL, IN PART: (Cans) "Sun Bird Wisconsin Sweet Peas * * * Size 3 Packed by Reedsburg Foods Corp. Reedsburg, Wis."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Size 3" was false and misleading since the product was ungraded for size; Section 403 (g) (2), the article failed to bear, as required by the regulations, the name of the food, since its label bore the statement "Sweet Peas," whereas the product was canned peas of Alaska or other smooth-skin varieties; and, Section 403 (h) (1), the article was an Alaska or other smooth-skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend as required by the regulations.